

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	MB Docket No. 05-6
Revision of the Public Notice)	
Requirements of Section 73.3580)	

TO: The Commission

**COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (“NAB”)¹ submits these comments in response to the Commission’s *Notice of Proposed Rulemaking* in this proceeding.² In the *Notice*, the Commission sought comment on modifying the notice that radio and television station buyers and sellers must provide to the public about proposed assignments and transfers of control. Specifically, the Commission proposed to require applicants to use particular standardized text in making their print and broadcast notices about station sales. *See Notice* at ¶ 5.

NAB understands and supports the Commission’s interest in informing members of the public about the sales of broadcast stations in their communities. If the Commission ultimately determines to adopt standardized text for notices of sales, it, however, should be careful in its choice of language. In particular, the Commission should avoid creating confusion among members of the public and inadvertently inviting comments and objections to station sales that

¹ NAB is a nonprofit incorporated association of radio and television stations, which serves and represents the American broadcasting industry.

² *Notice of Proposed Rulemaking* in MB Docket No. 05-6, FCC 05-10 (rel. March 15, 2005) (“*Notice*”).

raise matters not substantially and materially related to the actual sales at issue. Even unmeritorious objections – including those unrelated to specific proposed sales or that raise issues not germane under the Communications Act – will burden licensees (especially small and noncommercial educational stations) in responding, will divert scarce Commission resources, and will inevitably delay the grant of license assignments and transfers.³

The *Notice* (at ¶ 5) also inquired whether sale applicants should be required to supply additional information beyond the specific proposed text. The proposed text already clearly informs members of the public of all pertinent information (*e.g.*, that the identified owners of a local station requested, on a particular date, the FCC’s consent to sell that station to an identified seller; that a copy of the sale application, including the sale agreement, is available for public inspection during specified hours at a specified address; that a copy of the application and the sale contract may also be accessed on the FCC’s website; and that any individual may file with the FCC comments on or objections to the proposed sale or may file a petition to deny by a specified date). Such information – which will be printed in a local newspaper and aired over the station multiple times at specified hours – should be more than sufficient to “promot[e] public awareness” of sale “application filings,” while “minimizing burdens” on “broadcasters,” particularly small and noncommercial educational ones. *Notice* at ¶ 7.

Indeed, it may be argued that the Commission’s current public notice requirements adequately “promot[e] public awareness” of “application filings,” *id.*, even without requiring the

³ For example, an individual might object to the sale of a station on the grounds that the proposed purchaser would adopt a different format or fail to provide the same programming content (or would not be as desirable for any number of reasons) as some other preferred entity or person (such as another broadcaster that also attempted but did not succeed in purchasing the station in question). The FCC is, however, forbidden by statute from considering whether the “public interest, convenience, and necessity might be served” by the transfer of a station “to a person other than the proposed transferee or assignee.” 47 U.S.C. § 310(d).

parties to all station sale applications to utilize the same precise text in their notices.⁴ While it remains unclear whether there is a need to alter the existing public notice rules, the Commission, if it ultimately decides to adopt a standardized text, should for the reasons discussed above be cautious in its choice of language and cognizant of the burdens on small and noncommercial educational stations.

Respectfully submitted,

**NATIONAL ASSOCIATION OF
BROADCASTERS**

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⁴ The FCC has long required public notices of station sales to include: (i) the name of all parties to the application, if the applicants are individuals; the names of all partners, if the applicants are partnerships; or the names of all officers and directors and of those persons holding 10% or more of the capital stock or other ownership interest if the applicants are corporations or unincorporated associations; (ii) the purpose for which the application was filed (*e.g.*, assignment or transfer); (iii) the date the application was filed with the FCC; (iv) the call letters of the station and the frequency or channel on which the station is operating; and (v) a statement that a copy of the application is on file for public inspection at a stated address in the community in which the station is located. 47 C.F.R. § 73.3580(f).